

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
JUDGE BUCHWALD

08 CV 4813

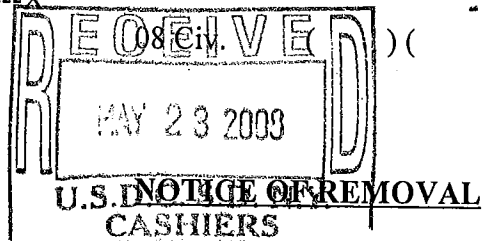
EDWARD ROCHE,

Plaintiffs,

-against-

FEDERAL EXPRESS CORPORATION
AND JUAN M. BELEN,

Defendants.



TO THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK:

Defendants, FEDERAL EXPRESS CORPORATION ("FEDERAL EXPRESS") and
JUAN M. BELEN, pursuant to 28 U.S.C. §1441, states:

1. A civil action bearing Index No.303271/08 has been instituted by plaintiff, EDWARD ROCHE, and is pending in the Supreme Court of the State of New York, County of Bronx, in which FEDERAL EXPRESS and JUAN M. BELEN are defendants.
2. Defendant FEDERAL EXPRESS was and is incorporated in the State of Delaware and at all relevant times has had its principal place of business in the State of Tennessee.
3. Defendant JUAN M. BELEN, individually, was and is a resident of the State of Pennsylvania.
4. Upon information and belief, plaintiff EDWARD ROCHE, individually, was and is a citizen and resident of the State of New York.
5. Therefore, this action is between citizens of different states as defined by 28 U.S.C. §1332(a)(1).
6. In his Verified Complaint, plaintiff seeks damages in an amount that exceeds the jurisdictional limits of all lower courts and to be determined at the time of trial.

7. Therefore, upon information and belief, the amount in controversy exceeds \$75,000 as required by 28 U.S.C. §1332(a).

8. Thus, this court has original diversity jurisdiction and removal jurisdiction over this claim pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441(a).

9. Defendant FEDERAL EXPRESS received a copy of the initial pleading setting forth the claim for relief upon which this action is based on or about May 16, 2008.

10. Therefore, in accordance with 28 U.S.C. §1446(b), this Notice of Removal is filed within thirty days after receipt by the defendant of a copy of the initial pleading setting forth the claim for relief upon which this action is based.

11. Copies of the Summons and Verified Complaint, which constitute all process, pleadings and orders received by defendant FEDERAL EXPRESS, in this action, are collectively annexed hereto as Exhibit "A".

WHEREFORE, defendants FEDERAL EXPRESS CORPORATION and JUAN M. BELEN give notice that this action is removed from said state court to this court.

Dated: New York, New York
May 22, 2008

ANTHONY W. ECKERT III, ESQ.

By: 
Anthony W. Eckert III (AWE-7949)

Attorney for Defendants
Federal Express Corporation and
Juan M. Belen
555 Fifth Avenue, 15th Floor
New York, New York 10017
(212) 922-0450

TO: MICHAEL T. RIDGE, ESQ.
Attorney for Plaintiff
910 Grand Concourse, Suite 1D
Bronx, New York 10451
(718) 590-5400

Legal Tabs Co. 1-800-322-3022

Exhibit A

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X
EDWARD ROCHE,

Plaintiff,

-Against-

**FEDERAL EXPRESS CORPORATION
AND JUAN M. BELEN,**

Defendants.
-----X

**Plaintiffs designate
Bronx County as the
place of trial.**

SUMMONS 303271-08

**The place of venue
is County where
plaintiff reside and
defendant Juan M. Belen
reside.**

**Plaintiff resides at:
6199 Spencer Road
Bronx, New York 10471**

**Defendant Juan M. Belen
resides at:
590 Beech Terrace
Bronx, New York 10454.**

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or if the complaint is not served with the summons, to serve a notice of appearance, on the plaintiff's attorney, within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

**Dated: Bronx, New York
April 21, 2008**

ALINDOO KNONE
CLERK
COUNTY OF BRONX

03-04-2008

LAW OFFICES OF

MICHAEL T. RIDGE

910 GRAND CONCOURSE, STE. 10

BRONX, NY 10461

TELEPHONE (718)

590-5400

FAX 681-0285

Yours, etc.,

MICHAEL T. RIDGE, ESQ.
Attorney for Plaintiff
910 Grand Concourse, Suite 1D
Bronx, New York 10451
(718) 590-5400

DEFENDANTS' ADDRESSES:

FEDERAL EXPRESS CORPORATION
9000 Mid-Atlantic Drive
Mt. Laurel, New Jersey 08054

JUAN M. BELEN
590 Beech Terrace
Bronx, New York 10454

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

-----X
EDWARD ROCHE,

Plaintiff,

-Against-

VERIFIED COMPLAINT

**FEDERAL EXPRESS CORPORATION
JUAN M. BELEN,**

Defendants.
-----X

Plaintiff, complaining of the defendants, by his attorney, **MICHAEL T. RIDGE, ESQ.**, respectfully shows to this Court and alleges:

1. That at all times hereinafter mentioned and at the commencement of this action, the plaintiff **EDWARD ROCHE** and the defendant **JUAN M. BELEN** were and still are residents of the County of the Bronx, City and State of New York.
2. Upon information and belief, that at all times hereinafter mentioned, the defendant **FEDERAL EXPRESS CORPORATION** was the owner of a 1999 FR/LI motor vehicle bearing the New York State license plate number 41928JM for the year 2007.
3. That at all times hereinafter mentioned, the defendant **JUAN M. BELEN** was the operator of a 1999 FR/LI motor vehicle bearing the New York State license plate number 41928JM for the year 2007 with the expressed permission and consent of the defendant **FEDERAL EXPRESS CORPORATION**.
4. That at all times hereinafter mentioned, the defendant **FEDERAL EXPRESS CORPORATION** conducted business in the State of New York including from an office in Mount Vernon, New York for the year 2007.

ALBANY COUNTY
CLERK OF COURT
JUL 1 2008
03-8-11 228-180

5. That at all times hereinafter mentioned, the defendant **FEDERAL EXPRESS CORPORATION** was a domestic corporation duly organized and existing to do business in the State of New York.

6. That at all times hereinafter mentioned, the plaintiff **EDWARD ROCHE** was the owner and operator of a 2000 Acura motor vehicle bearing the New York State license plate number DC804P for the year 2007.

7. That at all times hereinafter mentioned, Willis Avenue at or near its intersection with East 136TH Street, in the County of the Bronx, City and State of New York was and still is a public highway.

8. That on the 6TH day of September 2007 at approximately 10:40 a.m. there was a contact between the aforesaid motor vehicles.

9. That the accident and the injuries and damages to the plaintiff, **EDWARD ROCHE** resulting there from were caused by the negligence of the defendants.

10. That the defendants were negligent, in that they owned and operated their motor vehicle in a negligent, careless and reckless manner and violated those ordinances in such cases made and provided and that the defendants were otherwise negligent.

11. That by reason of the aforesaid, the plaintiff **EDWARD ROCHE** has been rendered sick, sore and disabled; was seriously and permanently injured; has suffered mental and nervous shock, all with accompanying pain; and has had and will require medical treatment and medicines.

12. That as a result of the foregoing, the plaintiff **EDWARD ROCHE** has sustained a serious injury as defined in Section 5102 (d) of the Insurance Law of the State of New York, and/or economic loss greater than basic economic loss as defined in Section 5102 (a) of the Insurance Law of the State of New York.

13. As a result of his pain and suffering, the plaintiff **EDWARD ROCHE** was caused to suffer damages in an amount of money that exceeds the monetary jurisdiction of all lower Courts, which would otherwise have jurisdiction over this action.

WHEREFORE, the plaintiff **EDWARD ROCHE** demands judgment against the defendants in an amount of money that exceeds the monetary jurisdiction of all lower courts, which would otherwise have jurisdiction over his cause of action alleged herein, together with interest, costs and disbursements of this action.

Dated: Bronx, New York
April 21, 2008

Yours, etc.

MICHAEL T. RIDGE, ESQ.
Attorney for Plaintiff
910 Grand Concourse, Suite 1D
Bronx, New York 10451
(718) 590-5400

VERIFICATION

STATE OF NEW YORK }
COUNTY OF BRONX }

Edward Roche

_____, BEING DULY SWORN
DEPOSES AND SAYS: THAT DEPONENT IS THE PLAINTIFF IN
THE WITHIN ACTION; THAT DEPONENT HAS READ THE
FOREGOING Verified Summons and Complaint AND
KNOWS THE CONTENTS THEREIN STATED TO BE ALLEGED
UPON INFORMATION AND BELIEF, AND THAT AS TO THOSE
MATTERS DEPONENT BELIEVES IT TO BE TRUE.

X Edward Roche

Edward Roche

SWORN TO BEFORE ME THIS

21 DAY OF April, 2008

NOTARY PUBLIC

MICHAEL T. RIDGE
Notary Public, State of New York
No. 02RI4664430
Qualified in Bronx County
Commission Expires Aug. 31, 20 09

Index No.:

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX**

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EDWARD ROCHE,

Plaintiff,

-Against-

**FEDERAL EXPRESS CORPORATION AND
JUAN M. BELEN,**

Defendant.

=====

VERIFIED SUMMONS AND COMPLAINT

=====

LAW OFFICES OF MICHAEL T. RIDGE

Attorney for Plaintiff

Office & Post Office Address

910 Grand Concourse, Suite 1D

Bronx, New York 10451

(718) 590-5400